

ESTTA Tracking number: **ESTTA425667**

Filing date: **08/17/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051454
Party	Defendant Success Apparel LLC
Correspondence Address	Success Apparel LLC 19 West 34th Street New York, NY 10001 UNITED STATES dkashman@grr.com
Submission	Answer
Filer's Name	Rachel M. Weiss
Filer's e-mail	rweiss@grr.com
Signature	/Rachel M. Weiss/
Date	08/17/2011
Attachments	Registrant's Answer to Petition to Cancel.pdf ( 3 pages )(69163 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<b>ARMY and AIR FORCE EXCHANGE SERVICE,</b>	)	
<b>Petitioner,</b>	)	Registration No.: 3,600,254
	)	
<b>v.</b>	)	Trademark: DECODED
	)	
<b>SUCCESS APPAREL, LLC,</b>	)	Registered: March 31, 2009
<b>Registrant.</b>	)	
	)	Cancellation No.: 92051454

**REGISTRANT'S ANSWER TO PETITION TO CANCEL**

Registrant, Success Apparel, LLC, herein submits its Answer in response to the Petition to Cancel filed by Petitioner Army and Air Force Exchange Service in the matter of Registration No. 3,600,254 for the mark DECODED.

**RESPONSES TO ALLEGATIONS**

1. Registrant has no knowledge or information regarding the allegations of paragraph 1 of the Petition to Cancel, and on that basis denies the same.

2. Registrant has no knowledge or information regarding the allegations of paragraph 2 of the Petition to Cancel, and on that basis denies the same.

3. Registrant has no knowledge or information regarding the allegations of paragraph 3 of the Petition to Cancel, and on that basis denies the same.

4. Registrant admits the allegations of paragraph 4 excepting the assertion that Registrant filed its trademark application claiming an intent to use the mark DECODED for socks; Registrant did not do so. Additionally, Petitioner did not include the fact that Registrant filed its trademark application claiming an intent to use the mark DECODED for belts and footwear, as well.

5. Registrant admits the allegations of paragraph 5 to the extent it incorporates the modifications listed in paragraph 4 of the Answer to Petition to Cancel, above.

6. Registrant has no knowledge or information regarding the allegations of paragraph 6 of the Petition to Cancel, and on that basis denies the same.

7. Registrant has no knowledge or information regarding the allegations of paragraph 7 of the Petition to Cancel, and on that basis denies the same.


8. Registrant denies the allegations of paragraph 8.

WHEREFORE, the Petition to Cancel should be denied.

Dated: August 17, 2011  
New York, New York

Respectfully submitted,


GOTTLIEB, RACKMAN & REISMAN, P.C.

  
George Gottlieb  
Attorney for Applicant  
270 Madison Avenue  
New York, NY 10016  
(212) 684-3900

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that this ANSWER TO PETITION TO CANCEL is being electronically transmitted to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) this 17<sup>th</sup> day of August, 2011.

Dated: August 17, 2011

  
Rachel M. Weiss

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing ANSWER TO PETITION TO CANCEL was filed by first class mail, postage prepaid, this 17<sup>th</sup> day of August, 2011 upon the following:

W. Barry Huggins  
Associate General Counsel  
Army and Air Force Exchange Service  
3911 Walton Walker Blvd.  
Dallas, TX 75236-1598

*Rachel M. Weiss*

---

Rachel M. Weiss